Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450

Tel: 571-272-4683 Fax: 571-273-0042 Filed: June 14, 2010

#### UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Tokyo Ohka Kogyo Co., Ltd.
(Application 10/565,696
Inventors: Ryotaro Hayashi, Hideo Hada, and
Takeshi Iwai),

v.

Shin-Etsu Chemical Co., Ltd.,
Senior Party
(Patent 7,157,207
Inventors: Kenji Funatsu, Tsunehiro Nishi and
Shigehiro Nagura).

Patent Interference No. 105,745 (RES) (Technology Center 1700)

### **DECLARATION – 37 C.F.R. § 41.203(b)**

#### Part A. Declaration of interference

- 1 An interference is declared (35 U.S.C. § 135(a)) between the above-
- 2 identified parties. Details of the application and patent, count and claims
- 3 designated as corresponding to the count appear in Parts E and F of this
- 4 DECLARATION.

1	Part B. Judge managing the interference	
2	Administrative Patent Judge Richard E. Schafer has been designated to	
3	manage the interference. 37 C.F.R. § 41.104(a).	
4	Part C. Standing order	
5	A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this	
6	DECLARATION. The STANDING ORDER applies to this interference.	
7	Part D. Initial conference call	
8	A telephone conference call to discuss the interference is set for 4:00 p.m.	
9	on August 9, 2010 (the Board will initiate the call).	
10	No later than two business days prior to the conference call, each party shall	
11	file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 C.F.R. § 41.120; 37	
12	C.F.R. § 41.204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.	
13	A sample schedule for taking action during the motion phase appears as	
14	Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the	
15	schedule prior to the conference call and to agree on dates for taking action. A	
16	typical motion period lasts approximately eight (8) months. Counsel should be	
17	prepared to justify any request for a shorter or longer period.	
18	Part E. Identification and order of the parties	
19		Junior Party
20 21 22	Named inventors:	Ryotaro Hayashi Hideo Hada Takeshi Iwai
23	Involved Application:	10/565,696 filed January 24, 2006
24 25	Title:	Resin for Resist Positive Resist Composition and Method of Forming Resist Pattern
26	Assignee:	Tokyo Ohka Kogyo Co., Ltd.

1		Senior Party
2 3 4	Named Inventors:	Kenji Funatsu Tsunehiro Nishi Shigehiro Nagura
5	Involved Patent:	7,157,207
6	Title:	Polymer, Resist Material and Patterning
7	Processing	
8	Assignee:	Shin-Etsu Chemical Co., Ltd.
9	The senior party is assigned exhibit numbers 1001-1999. The junior party is	
10	assigned exhibit numbers 2001-2999. 37 C.F.R. § 41.154(c)(1); SO ¶ 154.2.1.	
11	The senior party is responsible for initiating required settlement discussions. SO	
12	¶ 126.1.	
13	Part F. Count and claims of the parties	
14	Count 1	
15	Claim 1 of Tokyo Application 10/565,696	
16		or
17	Claim 2 of Shin-Etsu Patent 7,157,207.	
18	The claims of the parties are:	
19 20	Tokyo 10/565,696 Claims: 1, 5-8, 1	2-14, 18 and 19
21 22	Shin-Etsu 7,157,207 Claims: 1-7	
23	The claims of the parties which	ch correspond to Count 1 are:
24 25	Tokyo 10/565,696 Claims: 1, 5-8, 1	2-14, 18 and 19
26 27	Shin-Etsu 7,157,207 Claims: 1-7	·

The claims of the parties which do not correspond to Count 1, and therefore are not 1 involved in the interference, are: 2 Tokyo 10/565,696 3 Claims: None 4 Shin-Etsu 7,157,207 5 Claims: None 6 The parties are accorded the following benefit for Count 1: 7 Tokyo 10/565,696 8 None 9 Shin-Etsu 7,157,207 10 None 11 12 13 Part G. Heading to be used on papers 14 The following heading must be used on all papers filed in this interference. 15 See SO ¶ 106.1.1: 16

Paper No: Leave blank

Filed on behalf of: Party @.

By: Counsel Name(s) @

Address @

(@@@) @@@- @@@@ (telephone)
(@@@) @@@- @@@@ (facsimile)

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Title of Paper

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## Part H. Order form for requesting file copies

- When requesting copies of files, use of SO Form 4 will greatly expedite
- 3 processing of the request. Please attach a copy of Parts E and F of this
- 4 DECLARATION with a hand-drawn circle around the patents and applications for
- 5 which a copy of a file wrapper is requested.

/Richard E. Schafer/ Administrative Patent Judge

Enc:

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Copy of STANDING ORDER Copy of U.S. Patent 7,157,207 Copy of claims of Application 10/565,696

Revised 3 January 2006

cc (via overnight delivery):

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